

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOHN AMBURGY,)
)
 Plaintiff,)
)
 v.) No. 4:09CV705 FRB
)
 EXPRESS SCRIPTS, INC.,)
)
 Defendant.)

JUDGMENT NUNC PRO TUNC

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, nunc pro tunc
as of November 23, 2009, that this matter is dismissed without
prejudice pursuant to Fed. R. Civ. P. 12(b)(1) for lack of subject
matter jurisdiction.¹

IT IS FURTHER ORDERED that all motions which remain
pending in this cause are denied as moot.



UNITED STATES MAGISTRATE JUDGE

Dated this 24th day of November, 2009.

¹Judgment entered November 23, 2009, erroneously dismissed this matter with prejudice. Because the case was dismissed solely on the determination that this Court lacks subject matter jurisdiction, the matter must be dismissed without prejudice. County of Mille Lacs v. Benjamin, 361 F.3d 460, 464 (8th Cir. 2004).